

CWC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 18 PM 4:07

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

V.)

Miguel MENDIOLA-Martinez)

Magistrate's Case No. 08 MJ 0857

DEPUTY

COMPLAINT FOR VIOLATION

OF 18 USC Section 922(g)(5) —

Illegal alien in possession of firearms

The undersigned complainant being duly sworn states:

COUNT 1

On March 17, 2008, within the Southern District of California, defendant Miguel MENDIOLA-Martinez, an illegal alien, did possess one Ruger, model Vaquero, .45 caliber, revolver, serial number 58-29096, which traveled in and affected interstate commerce; in violation of Title 18 United States Code, Section 922(g)(5).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

David Nugent
Special Agent David Nugent
Bureau of Alcohol, Tobacco
Firearms and Explosives

Sworn to before me and subscribed in my presence, this 18th day of March, 2008.

[Signature]
UNITED STATES MAGISTRATE

United States

v.

Miguel MENDIOLA-Martinez

Probable Cause Statement

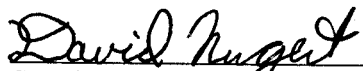
OVERT ACTS

In violation of the aforementioned statute the following act was committed in the Southern District of California:

On March 12, 2008, Bureau of Alcohol, Tobacco Firearms and Explosives (ATF) Special Agent (SA) Matthew Beals spoke with Immigration and Customs Enforcement (ICE) SA Michael Haynes regarding Miguel MENDIOLA-Martinez. SA Haynes stated that MENDIOLA-Martinez was born in Mexico and was unlawfully present in the United States after having been previously deported.

On March 17, 2008, SA Beals and ICE SA Michael Willever conducted an interview of MENDIOLA-Martinez at his residence. MENDIOLA-Martinez read and signed ATF Form 3200.4 –Advice of Rights and Waiver before he answered any pertinent questions. MENDIOLA-Martinez confirmed that he was unlawfully present in the United States; however, he stated that he had recently obtained an Employment Authorization Card issued by The Department of Homeland Security (DHS). MENDIOLA-Martinez also stated that he possessed multiple firearms, which he allowed SA Beals to inspect. In total, MENDIOLA-Martinez possessed five firearms and 499 rounds of assorted ammunition. One of the firearms was a Ruger, model Vaquero, .45 caliber, revolver, serial number 58-29096.

On March 17, 2008, SA Beals determined that the aforementioned firearm was manufactured in New Hampshire. Therefore, the firearm traveled in and affected interstate commerce by the nature of its presence in California.


Special Agent David Nugent
Bureau of Alcohol, Tobacco
Firearms and Explosives

Sworn to before me and subscribed in my presence, this 18th day of March, 2008.


UNITED STATES MAGISTRATE